

HON. RICHARD A. JONES

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

OSTERHAUS PHARMACY, INC., et al.,

Plaintiffs,

v.

EXPRESS SCRIPTS, INC., et al.,

Defendants.

Case No. 2:24-cv-00039-RAJ

**DECLARATION OF RYAN T.  
ANDREWS IN SUPPORT OF  
DEFENDANTS' MOTION TO  
TRANSFER OR IN THE  
ALTERNATIVE  
DISMISS OR STRIKE THE  
COMPLAINT**

1 I, Ryan T. Andrews, hereby state as follows:

2 1. I am Of Counsel with the law firm Quinn Emanuel Urquhart & Sullivan, LLP,  
3 counsel for Defendant Express Scripts, Inc. (“Express Scripts”) and Evernorth Health, Inc.  
4 (together, “Defendants”), in the above-captioned action. I submit this declaration in support of  
5 Defendants’ Motion to Transfer or in the Alternative Dismiss or Strike the Complaint  
6 (“Motion”). I have personal knowledge of the matters stated in this declaration based upon my  
7 involvement in this case and a review of the file.

8 2. Pursuant to Judge Jones’s General Motions Practice Procedures, on April 22,  
9 2024, I met and conferred via telephonic conference with counsel for Plaintiffs, Beth E. Terrell,  
10 to try to avoid the Motion. I explained the bases and substantive grounds for the Motion and the  
11 relief Defendants are seeking from the Court. Plaintiffs’ counsel informed me that they oppose  
12 the Motion and the relief Defendants are seeking.

13 3. A true and correct copy of the full interview quoted in paragraph 54 of the First  
14 Amended Class Action Complaint, Dkt. 46, is attached hereto as Exhibit A.

15 4. A true and correct excerpt of Express Scripts’ Pharmacy Provider Agreement with  
16 Osterhaus Pharmacy, dated March 17, 2015, is attached hereto as Exhibit B.

17 5. A true and correct excerpt of Express Scripts’ Pharmacy Provider Agreement with  
18 Cammack’s Pharmacies, Inc., d/b/a Jim’s Pharmacy and Home Health, dated November 4, 2014,  
19 is attached hereto as Exhibit C.

20 6. A true and correct excerpt of Express Scripts’ Pharmacy Provider Agreement with  
21 Ilwaco Pharmacy, dated July 22, 2014, is attached hereto as Exhibit D.

22 7. A true and correct excerpt of Express Scripts’ Pharmacy Provider Agreement with  
23 Valu Drugs Inc., dated June 10, 2014, is attached hereto as Exhibit E.

24 8. A true and correct excerpt of Express Scripts’ Pharmacy Provider Agreement with  
25 Smith’s Pharmacy II, Inc., d/b/a Smith’s Pharmacy, dated June 3, 2014, is attached hereto as  
26 Exhibit F.

27 9. A true and correct excerpt of Express Scripts’ Pharmacy Provider Agreement with

1 Old Baltimore Pike Apothecary, Inc., t/a Southern Chester County Pharmacy, dated June 5, 2014,  
2 is attached hereto as Exhibit G.

3 10. A true and correct excerpt of Express Scripts' PSAO Services Agreement with  
4 Health Mart Atlas, LLC (f/k/a AccessHealth), dated June 8, 2018, is attached hereto as Exhibit H.

5 11. A true and correct excerpt of Express Scripts' Letter of Intent with AccessHealth,  
6 dated March 30, 2018, noting AccessHealth was changing its name to Health Mart Atlas, LLC,  
7 effective April 1, 2018, is attached hereto as Exhibit I.

8 12. A true and correct copy of the PSAO Pharmacy Affiliation Authorization signed  
9 on behalf of Redner's Pharmacy # 38 to participate in the Access Health PSAO with Express  
10 Scripts, dated February 10, 2018, is attached hereto as Exhibit J.

11 13. I declare under penalty of perjury that the foregoing is true and correct.  
12 Executed this 22nd day of April, 2024, at Greenwood, MS.

13  
14 /s/ Ryan T. Andrews

15 Ryan T. Andrews (pro hac vice)  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATE OF SERVICE**

I hereby certify that on April 22, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a copy of the foregoing to all counsel of record.

DATED: April 22, 2024

/s/ Alicia Cobb

Alicia Cobb, WSBA #48685